

Contemporary Communications

May 23, 1997

Mr. William F. Caton, Acting Secretary
FEDERAL COMMUNICATIONS COMMISSION
Room 222
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making
Change Community of License
Wallace, Idaho and Lolo, Montana

Dear Mr. Caton:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of HAWKEYE RADIO PROPERTIES, INC., requesting the substitution of Channel 248C3 for Channel 248C2 at Wallace, Idaho, and the reallocation of the channel from Wallace, Idaho, to Lolo, Montana, in accordance with Section 1.420(i) of the Commission's Rules.

If this proposal is ultimately adopted, HAWKEYE RADIO PROPERTIES, INC., will promptly apply for authority to construct and operate a new station at Lolo, Montana.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss
Consultant to Hawkeye Radio Properties, Inc.

No. of Copies rec'd 0+5
List ABCDE

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enclosures (as above)

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED
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In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket _____
Table of Allotments,) RM - _____
FM Broadcast Stations)
(Wallace, Idaho and Lolo, Montana))

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now HAWKEYE RADIO PROPERTIES, INC., (hereafter "Hawkeye"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to substitute FM Channel 248C3 for FM Channel 248C2 at Wallace, Idaho, and to reallocate the channel from Wallace, Idaho to Lolo, Montana, as that community's first local FM service. Hawkeye also requests a concomitant modification of its Construction

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Wallace, Idaho	248C2, 264C	264C
Lolo, Montana	---	248C3

permit for Station KQWK(FM) to specify Lolo, Montana as its community of license.

The allotment of Channel 248C3 to Lolo is mutually-exclusive with Channel 248C2 at Wallace, Idaho. As such, Hawkeye seeks to invoke the provisions of Section 1.420(i) of the Commission's Rules, which permit the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. 1/

In support of this proposal, the following information is herewith submitted for consideration:

Lolo is located in Missoula County in West Central Montana, approximately 140 kilometers west-northwest of the capital city of Helena. The city population is 2,746 (an increase of 14% from 1980 to 1990) and the county population is 78,687. 2/ Currently, there are no broadcast stations (AM, FM or TV) licensed to serve Lolo, Montana.

Although unincorporated, Lolo possesses the many of the requisite "social, economic and cultural components that are commonly associated with community status." 3/ Lolo has its own Post Office and zip code (59847). In addition, it shares a telephone exchange (273) with the nearby smaller community of Florence. The town of Lolo has a Community Council and a local school board, and two local schools, the Lolo Elementary School and Lolo Middle School. Lolo has a thriving business community,

1/ See Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990).

2/ Population figures from the 1990 U.S. Census.

3/ See Semora, North Carolina, 5 FCC Rcd 934 (1990); and Trade, Tennessee and Beech Mountain, North Carolina, 6 FCC Rcd 5835 (1991).

including the Lolo Shopping Center, Numerous businesses include the name of the town in their name, including Lolo Drug Store, Lolo Dental Clinic, Lolo Glass Company, Lolo Mini-Storage, Lolo Preschool and Child Care, Lolo Tavern, Lolo Tru-Value Hardware, Lolo Towing, Lolo Trail Café, Lolo Lube Center and Lolo Floor Covering.

The allotment of Channel 248C3 at Lolo would further the objectives of Section 307(b) of the Communications Act of 1934, as amended, by providing a first local service at Lolo, Montana, while not depriving Wallace, Idaho of its sole broadcast outlet. Wallace, which has a population of only 1,736, would retain service from Station KWAL(AM), a fulltime AM station operating on 620 kHz. In addition, a construction permit has been granted for KWIL(FM), Channel 264C, at Wallace.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Lolo, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, with a site-restriction as specified in the Technical Exhibit.

If this proposal is adopted, Hawkeye Radio Properties, Inc., will promptly apply for a construction permit to operate KWQK(FM) at Lolo, Montana. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

HAWKEYE RADIO PROPERTIES, INC.

A handwritten signature in cursive script that reads "Dale A. Ganske".

Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

May 21, 1997



Contemporary Communications

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
SUBSTITUTION OF CHANNEL 248C3
FOR CHANNEL 248C2
AT WALLACE, IDAHO AND
REALLOCATION OF CHANNEL 248C3
TO LOLO, MONTANA**

HAWKEYE RADIO PROPERTIES, INC.

Prepared May 17, 1997

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HAWKEYE RADIO PROPERTIES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of HAWKEYE RADIO PROPERTIES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by substituting FM Channel 248C3 for Channel 248C2 at Wallace, Idaho, and the reallocation of Channel 248C3 to Lolo, Montana, as that community's first local FM channel. Hawkeye also seeks to modify its Construction Permit for Station KQWK(FM) to specify Lolo, Montana, as its community of license, pursuant to Section 1.420(i) of the Commission's Rules.

ALLOCATION

A study was performed using the computerized SEARCHFM frequency search program and the current FCC/NTIS database to determine if Channel 248C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel

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and IF separations. The results of that study indicate that Channel 248C3 may be allocated to Lolo in full compliance with Section 73.207(b), provided a site-restriction approximately 13 kilometers north of the community were imposed. The allocation of Channel 248C3 at Lolo, Montana, is mutually-exclusive with Channel 248C2 at Wallace, Idaho, and would require the deletion of Channel 248C2 at Wallace, in accordance with Section 1.420(i) of the Commission's Rules. The smaller community of Wallace would continue to receive service from Station KWAL(AM), 620 kHz, operating with 1 kw fulltime. In addition, a Construction Permit has been granted for a Class C FM Station, KSIL(FM), Channel 264C, in Wallace. The larger community of Lolo, Montana, would receive its first local broadcast service as a result of the allocation of Channel 248C3.

The "area-to-locate" for Channel 248C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Lolo in which to locate a transmitter site. Assuming maximum Class C3 facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

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CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and other than the deletion of Channel 248C2 at Wallace, Idaho, will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 248C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

###

MONTANA

I-90

Missoula

* FRENCHTOWN

* ALBERTON

114.75
+ 47

114
+ 47

113.75
+ 47

CITY GRADE LIMIT

AREA-TO-LOCATE

* BONNER

* MISSOULA

HWY 93

* LOLO

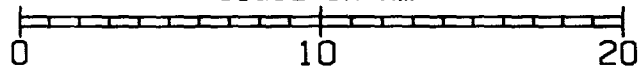
114.25
+ 46.75

114
+ 46.75

113.75
+ 46.75

1:250,000

Scale in km



AREA TO LOCATE - CHANNEL 248C3
N. Lat. 46 53 07 W. Lng. 114 06 30

EXHIBIT A
LOLO, MONTANA

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

LOLO MONTANA
HAWKEYE RADIO PROPERTIES

REFERENCE
46 53 07 N
114 06 30 W

CLASS = C3
Former Spacings

DISPLAY DATES
DATA 05-17-97
SEARCH 05-17-97

----- Channel 248 - 97.5 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
KQWK.C CP	248C2	Wallace	ID	151.70	296.3	177.0	-25.30
47 28 27	115 54 49	C CN	50.000 kW	-281 M			
		Hawkeye Radio Properties, Inc		BPH960809MA	970407		
AP251 AP	251C3	Hamilton	MT	43.00	166.7	43.0	0.00
46 30 32	113 58 43	C CN	16.000 kW	126 M			
		Ravalli County Broadcasters,		BPH950630MA	950713		
ALOPEN AL	249C3	Anaconda	MT	124.48	134.1	99.0	25.48
46 06 07	112 56 59	N	0.000 kW	0 M			
		89-199			921110		
Effective 5-18-90-Rsvd for KGLMFM per D89-199							
ALOPEN AL	251C3	Hamilton	MT	71.46	183.1	43.0	28.46
46 14 36	114 09 30	C N	0.000 kW	0 M			
		95-1			950602		
		WO= 950608					
		Accepted by Canada 941125					
		Effective 06-08-95					
AP251 AP	251C3	Hamilton	MT	73.53	187.5	43.0	30.53
46 13 46	114 14 01	C CN	16.000 kW	124 M			
		Benedict Communications, Inc.		950710MC	950719		
AP251 AP	251C3	Hamilton	MT	73.53	187.5	43.0	30.53
46 13 46	114 14 00	C CN	25.000 kW	100 M			
		Montoya Broadcasting Company		950710ME	950720		
AP251 AP	251C3	Hamilton	MT	73.54	187.5	43.0	30.54
46 13 46	114 14 02	C CN	15.500 kW	130 M			
		Sunbrook Communications Inc.		950710MF	950720		
KALS LI	246C	Kalispell	MT	126.90	351.3	96.0	30.90
48 00 48	114 21 55	C CN	26.500 kW	758 M			
		North Valley Broadcasting Ent		BLH811016AF	960816		
KGLMFM LI	249A	Anaconda	MT	124.48	134.1	84.0	40.48
46 06 07	112 56 59	CN	0.210 kW	287 M			
		Aire/Ink, Inc.		BLH6094	961223		
*To channel 249C3 per D89-199							

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Hawkeye Radio Properties, Inc., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

5/12/97
Date